

DECISION AND ORDER ON COST AWARDS

EB-2017-0182 / EB-2017-0194 / EB-2017-0364

**Upper Canada Transmission Inc. (on behalf of NextBridge Infrastructure)
Application for leave to construct an electricity
transmission line between Thunder Bay and Wawa, Ontario**

- and -

**Hydro One Networks Inc.
Application to upgrade existing transmission station facilities
in the Districts of Thunder Bay and Algoma, Ontario**

-and-

**Hydro One Networks Inc.
Application for leave to construct an electricity transmission line
between Thunder Bay and Wawa, Ontario**

**BEFORE: Allison Duff
Member**

**Michael Janigan
Member**

May 30, 2019

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims in a combined proceeding for three applications. The first application, filed by Upper Canada Transmission Inc. (NextBridge), sought an order granting leave to construct a new electricity transmission line between Wawa and Thunder Bay.¹

The other two applications, both filed by Hydro One Networks Inc. (Hydro One), sought an order granting leave to construct (i) a transmission line between the same two points as the NextBridge application²; and (ii) the facilities necessary to upgrade existing transmission stations associated with the new transmission line.³

The OEB determined that certain intervenors were eligible to apply for cost awards for their participation in the combined proceeding.

On February 11, 2019, the OEB issued its Decision and Order in which it set out the process for intervenors to file their cost claims, for Hydro One and NextBridge to object to the claims and for intervenors to respond to any objections raised by Hydro One and NextBridge (Decision). The OEB decided that Hydro One shall pay 40 percent of the costs and NextBridge shall pay 60 percent of the costs.

The following eligible intervenors filed costs claims including disbursements:

• Anwaatin Inc. (Anwaatin)	\$38,745.44
• Bamkushwada L.P. and Five First Nations (BLP)	\$45,194.94
• Batchewana First Nation of Ojibways (Batchewana First Nation)	\$18,899.00
• Biinjitiwaabik Zaaging Anishinaabek (BZA)	\$47,744.92
• Consumers Council of Canada (CCC)	\$48,601.30
• Long Lake #58 First Nation (Long Lake #58 FN)	\$22,305.37
• Métis Nation of Ontario (MNO)	\$46,854.61
• Michipicoten First Nation (Michipicoten FN)	\$28,858.50
• School Energy Coalition (SEC)	\$54,268.25
• Vulnerable Energy Consumers Coalition (VECC)	\$48,191.78

¹ The NextBridge-EWT Application has been assigned OEB File No. EB-2017-0182.

² The Hydro One–Transmission line Application has been assigned OEB File No. EB-2017-0364.

³ The Hydro One-Station Upgrades Application has been assigned OEB File No. EB-2017-0194.

On March 18, 2019, Hydro One filed a response and indicated that Long Lake #58 FN's claim included meals which were no longer allowed as per the OEB's *Practice Direction on Cost Awards* and no itemized receipts were provided for disbursements. Long Lake #58 FN filed a revised cost claim on April 4, 2019.

Findings

The OEB has reviewed the cost claims to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

For disbursements, the OEB approves the claims as filed with the exception of BZA⁴, Long Lake #58 FN⁵, MNO⁶ and Michipicoten FN⁷ which require minor corrections to accord with the OEB's *Practice Direction on Cost Awards*.

For fees, the OEB has reviewed the number of hours claimed by each intervenor. The OEB accepts the explanations provided by intervenors regarding the OEB's template claim form and the use of certain categories to explain the allocation of hours.

The OEB finds the hours claimed to be reasonable, with the exception of BLP and MNO. The OEB finds the hours claimed for argument preparation with 100.3 and 101.4 hours to be excessive. The next highest claim for argument preparation was 59.7 hours from Michipicoten FN. As well, both claims are significantly higher than intervenors whose arguments addressed a larger number of issues, albeit of a different character than those addressed by BLP and MNO.

The OEB established a schedule in which intervenor arguments were due on October 31, 2018, after the oral hearing ended on October 12, 2019. The OEB finds 75 hours reasonable for argument preparation associated with the issues, after comparing all intervenor cost claims and the written arguments filed. The OEB has applied the weighted-average-hourly rate of \$210.81 for BLP and \$169.12 for MNO and has reduced BLP's cost claim by \$6,026.84 and MNO's cost claim by \$5,045.16, including taxes.

The OEB finds the adjusted cost claims reasonable. The OEB has allocated the approved cost claims to NextBridge and Hydro One in accordance with the Decision.

⁴ Reduced by \$5.68 to bring the taxi tip to 10% as set the travel, meal and hospitality expense directive.

⁵ Reduced by \$98.72 to bring accommodation charges to the allowed \$200/night (excluding taxes).

⁶ Reduced by \$0.02 to correct a discrepancy between actual and submitted Quicklaw expenses and by \$33.93 for an Uber travel charge that was mistakenly claimed.

⁷ Reduced by \$82.50 to reduce incorrectly filed time for argument preparation by Marcie Zajdeman.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Networks Inc. shall immediately pay the following amounts to the intervenors for their costs:

• Anwaatin Inc.	\$15,498.18
• Bamkushwada L.P. and Five First Nations	\$15,667.24
• Batchewana First Nation of Ojibways	\$7,559.60
• Biinjitiwaabik Zaaging Anishinaabek	\$19,095.70
• Consumers Council of Canada	\$19,440.52
• Long Lake #58 First Nation	\$8,882.66
• Métis Nation of Ontario	\$16,710.20
• Michipicoten First Nation	\$11,510.40
• School Energy Coalition	\$21,707.30
• Vulnerable Energy Consumers Coalition	\$19,276.71

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Upper Canada Transmission Inc. shall immediately pay the following amounts to the intervenors for their costs:

• Anwaatin Inc.	\$23,247.26
• Bamkushwada L.P. and Five First Nations	\$23,500.86
• Batchewana First Nation of Ojibways	\$11,339.40
• Biinjitiwaabik Zaaging Anishinaabek	\$28,643.54
• Consumers Council of Canada	\$29,160.78
• Long Lake #58 First Nation	\$13,323.99
• Métis Nation of Ontario	\$25,065.30
• Michipicoten First Nation	\$17,265.60
• School Energy Coalition	\$32,560.95
• Vulnerable Energy Consumers Coalition	\$28,915.07

3. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Networks Inc. shall pay 40% and Upper Canada Transmission Inc. shall pay 60% of the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

DATED at Toronto May 30, 2019

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary